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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,342	01/18/2002	Kenneth A. Parulski	84002F-P	8690

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/051,342

Applicant(s)

PARULSKI ET AL.

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-12, 14-15, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,016,504 to Arnold et al.

Arnold discloses a method for ordering merchandise over a communication network among a plurality of merchandise providers from a plurality of order terminals, each of the order terminals being associated with one of a plurality of business entities (column 4, lines 7-14), with maintaining information with respect to business relationships between the merchandise providers and the plurality of business terminals (column 6, lines 13-17), and providing an offering at one of the plurality of order terminals based on the business relationships associated with one or more of the order terminals (column 5, lines 46-55), as in claim 1.

Arnold also discloses a system for facilitating ordering of merchandise over a communications network by a user among a plurality of merchandise providers from a plurality of order terminals, each of the order terminals being associated with one of a plurality of business entities (column 4, lines 7-14), comprising a control system (column 6, lines 13-17) for maintaining information with respect to business relationships between the merchandise providers and the plurality of business entities, the control system having a communication device (column 4, lines 2-7) for communicating with the plurality of order terminals over the

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communications network, the order terminal being used by the user to display an offering based on the business relationships associated with the order terminal, as in claim 10.

Arnold further discloses the offering provides a subset of merchandise providers from a plurality of merchandise providers (column 5, lines 41-46), as in claims 2 and 11, wherein the subset comprises two or more merchandise providers, as in claims 3 and 12, as well as the offering being displayed in a presentation format that is also based on the business relationship (column 5, lines 44-46), as in claims 4 and 14.

Arnold additionally discloses the order terminal is a appliance capable of accessing the Internet (column 5, lines 41-42), as in claims 5 and 15, as well as the business relationships include friendly, neutral, and hostile relationships (column 6, lines 22-26), as in claims 8 and 18, and the business relationships are maintained in a directory by a service manager (column 6, lines 13-15), as in claims 9 and 19.

Arnold furthermore discloses a computer storage program for implementing the method (column 5, lines 24-27) where the program has to be stored in a computer or server on the Internet, as in claim 20.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 6-7 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold, as applied above, in view of U.S. Patent Number 5,950,173 to Perkowski.

Arnold discloses the invention substantially as claimed. However, Arnold does not disclose the location of the terminals in relation to the customer. Perkowski teaches of a computer used to access a virtual sales agent (column 17, lines 36-39), in which can be placed in a retail store (column 18, lines 7-12) in the analogous art of Internet commerce and web based shopping outlets for the purpose of accessing public locations where consumer-products are being sold. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the method and system of Arnold into a kiosk type display device, as taught by Perkowski in order to place the "virtual outlet" in locations where related consumer product are to be sold.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to web based virtual sales agents and merchandise providers:

U.S. Patent Number 6,460,072 to Arnold et al., U.S. Patent Number 6,269,343 to Pallakoff, U.S. Patent Number 6,032,130 to Alloul et al., U.S. Patent Application Number 2002/0007340 to Isaf et al., U.S. Patent Application Number 2002/0002500 to Takahashi, U.S. Patent Application Number 2001/0054015 to Boucousis, U.S. Patent Application Number 2001/0018672 to Petters et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067.

The examiner can normally be reached on 8:30 - 5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



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CJB  
August 1, 2003